

105TH CONGRESS
2D SESSION

S. 1584

To direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 1998

Mr. FRIST (for himself and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Medical As-
5 sistance Act of 1998”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Aviation Administration.

4 (2) AIR CARRIER.—The term “air carrier” has
5 the meaning given that term in section 40102(a)(2)
6 of title 49, United States Code.

7 (3) AIRCRAFT.—The term “aircraft” has the
8 meaning given that term in section 40102(a)(6) of
9 title 49, United States Code.

10 (4) AIRPORT.—The term “airport” has the
11 meaning given that term in section 40102(a)(9) of
12 title 49, United States Code.

13 (5) FOREIGN AIR TRANSPORTATION.—The term
14 “foreign air transportation” has the meaning given
15 that term in section 40102(a)(23) of title 49, United
16 States Code.

17 (6) INTERSTATE AIR TRANSPORTATION.—The
18 term “interstate air transportation” has the mean-
19 ing given that term in section 40102(a)(25) of title
20 49, United States Code.

21 (7) MAJOR AIR CARRIER.—The term “major air
22 carrier” means an air carrier that—

23 (A) has been issued an applicable certifi-
24 cate as an air carrier under section 41102 of
25 title 49, United States Code; and

1 (B) during the 12-month period ending
 2 March 31 of the most recent year preceding the
 3 date of enactment of this Act, accounted for at
 4 least 1 percent of domestic-scheduled passenger
 5 revenues, as reported to the Department of
 6 Transportation pursuant to part 241 of title 14,
 7 Code of Federal Regulations.

8 (8) MEDICALLY QUALIFIED INDIVIDUAL.—The
 9 term “medically qualified individual” includes any
 10 individual who is licensed, certified, or otherwise
 11 qualified to provide medical care in a State, includ-
 12 ing an ambulance attendant.

13 **SEC. 3. MEDICAL KIT EQUIPMENT AND TRAINING.**

14 (a) IN GENERAL.—Not later than 1 year after the
 15 date of enactment of this Act, the Administrator shall re-
 16 view and reevaluate regulations of the Federal Aviation
 17 Administration regarding—

18 (1) the equipment required to be carried in
 19 medical kits of aircraft operated by air carriers; and

20 (2) the training required of flight attendants in
 21 the use of the equipment.

22 (b) REGULATIONS.—If, on the basis of a review con-
 23 ducted under subsection (a), the Administrator determines
 24 that it is necessary to issue revised regulations, the Ad-

1 administrator shall issue a notice of proposed rulemaking to
2 issue those revised regulations.

3 **SEC. 4. REPORTS REGARDING DEATHS ON AIRCRAFT.**

4 During the 1-year period beginning on the 90th day
5 following the date of enactment of this Act, a major air
6 carrier shall make a good faith effort to obtain, and shall
7 submit, on a monthly basis, a report to the Administrator
8 that provides information concerning—

9 (1) the number of individuals who died on air-
10 craft of the air carrier, including any individual who
11 was declared dead after being removed from such an
12 aircraft as a result of a medical incident that oc-
13 curred on that aircraft;

14 (2) the age of each individual described in para-
15 graph (1);

16 (3)(A) with respect to each individual described
17 in paragraph (1), whether the primary cause of
18 death was a cardiac arrest; and

19 (B) if the primary cause of death of an individ-
20 ual described in paragraph (1) was a cardiac arrest,
21 whether the cardiac arrest was the result of ven-
22 tricular fibrillation;

23 (4) with respect to each death or medical inci-
24 dent that occurred on an aircraft referred to in

1 paragraph (1), whether the aircraft was diverted as
 2 a result of the death or incident; and

3 (5) such other information as the Administrator
 4 may request as necessary to aid in a decision con-
 5 cerning whether to require automatic external
 6 defibrillators—

7 (A) in airports;

8 (B) on aircraft operated by air carriers; or

9 (C) in airports and on aircraft described in
 10 subparagraph (B).

11 **SEC. 5. DECISION ON AUTOMATIC EXTERNAL**
 12 **DEFIBRILLATORS.**

13 (a) IN GENERAL.—Not later than 120 days after the
 14 last day of the 1-year period described in section 4, the
 15 Administrator shall make a decision concerning whether
 16 automatic external defibrillators should be required—

17 (1) in airports;

18 (2) on aircraft operated by air carriers; or

19 (3) in airports and on aircraft described in
 20 paragraph (2).

21 (b) FORM OF DECISION.—

22 (1) IN GENERAL.—If the Administrator decides
 23 under subsection (a) that automatic external
 24 defibrillators should be required in airports or air-

1 craft described in that subsection, the Administrator
2 shall, with respect to each such requirement—

3 (A) issue proposed regulations to imple-
4 ment the requirement; or

5 (B) submit to Congress proposed legisla-
6 tion to implement the requirement.

7 (2) NOTICE.—If the Administrator decides
8 under subsection (a) that automatic external
9 defibrillators should not be required in airports or
10 on aircraft described in that subsection, the Admin-
11 istrator shall publish in the Federal Register a no-
12 tice of that decision.

13 (c) CONTENTS.—If the Administrator decides that
14 automatic external defibrillators should be required—

15 (1) on aircraft operated by air carriers, a pro-
16 posed regulation described in subsection (b)(1)(A) or
17 recommendation for proposed legislation described in
18 subsection (b)(1)(B) shall include information with
19 respect to—

20 (A) the size of the aircraft on which those
21 defibrillators should be required;

22 (B) the class flights (whether interstate or
23 foreign air transportation, or both) on which
24 those defibrillators should be required;

1 (C) the training that should be required
 2 for air carrier personnel in the use of those
 3 defibrillators; and

4 (D) the associated equipment and medica-
 5 tion that should be required to be carried in
 6 each aircraft medical kit; and

7 (2) at airports, a proposed regulation described
 8 in subsection (b)(1)(A) or recommendation for pro-
 9 posed legislation described in subsection (b)(1)(B)
 10 shall include information with respect to—

11 (A) the size of the airport at which those
 12 defibrillators should be required;

13 (B) the training that should be required
 14 for airport personnel in the use of those
 15 defibrillators; and

16 (C) the associated equipment and medica-
 17 tion that should be required at each airport.

18 (d) LIMITATION.—The Administrator may not re-
 19 quire automatic external defibrillators on helicopters and
 20 on aircraft with a maximum payload capacity (as defined
 21 in section 119.3 of title 14, Code of Federal Regulations)
 22 of 7,500 pounds or less.

23 **SEC. 6. LIABILITY OF INDIVIDUALS.**

24 (a) IN GENERAL.—Except as provided in subsection
 25 (b), an individual shall not be liable for damages in any

1 action brought in a Federal or State court arising from
2 an act or omission of the individual in providing or at-
3 tempting to provide assistance in the case of an in-flight
4 medical emergency.

5 (b) EXCEPTION.—The exemption under subsection
6 (a) shall not apply in any case in which an individual pro-
7 vides, or attempts to provide the assistance referred to in
8 that paragraph in a manner that constitutes gross neg-
9 ligence or willful misconduct.

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